

The Husband's Wife's Professor¹

Your administrative assistant puts through a phone call. A lawyer greets you with, “I’m Ms. Carol Paz, attorney for Mr. Jerome Johnson. Mr. Johnson wants to meet with you to express his concern that one of your professors was having an affair with his wife, Jane, while Jane was a student there. You see, when Jane was a student she was diagnosed with cancer. The professor befriended her during that difficult time. At some point the friendship did not remain Platonic. Jane, now having graduated, and Jerome are seeking counseling to mend their marriage. Jerome wants your professor not to phone Jane and not to send her any more e-mail.”

Attorney Paz says, “I understand that your university does not have an official university policy prohibiting consenting adults from having these sorts of relationships. And so there is nothing that you can do officially about this. Yet I think it would be in everyone’s interest that you agree to meet and listen to his concerns, given Mr. Johnson’s anger about all of this. Naturally I’ll be present as well. I think if Mr. Johnson has the opportunity to speak to a person in authority at the university he will not feel the need to take any other action to protect his marriage.”

1. Ms. Paz is waiting on the phone for your answer. Do you agree to meet with Mr. Johnson? If so, why? If not, what reason do you give? If you agree to the meeting, what do you do in preparation? Either way, what do you do with the information you received from Ms. Paz in the phone call? Assume the professor is not tenured.

The meeting is scheduled. You and the campus Equal Opportunity Compliance Officer (EOCO), an attorney, meet with Mr. Johnson and his attorney. Your EOCO confirms that your university has no policy against fraternization involving consenting adults and that there is no record of a sexual harassment complaint having been made by Mrs. Jane Johnson.

At the meeting Mr. Johnson says that he and his wife are trying to reconcile the difficulties in their marriage brought about by her cancer and her intimate relationship with the professor. Mr. Johnson is angry because he met with the professor a short time ago to confront him about the affair. The professor maintained that the friendship had been entirely appropriate while Mrs. Johnson was a student. The husband regards the professor as a liar and a rival for his wife’s affection. Mr. Johnson produces copies of e-mail from the professor that confirm the sexual nature of the relationship and suggest that the professor wanted Jane Johnson to leave her husband so that she could be with him. Mr. Johnson feels he has been threatened by the professor, because the professor notified Mr. Johnson that he had retained an attorney and would sue for slander to protect his good name and his career from the false accusations being made by Mr. Johnson.

You and the EOCO ask if there is something Mr. Johnson has in mind that the university should considering doing. Mr. Johnson declares that his intention is protect himself by presenting the truth of the affair as established by the e-mail. He repeats that he is working on rebuilding his marriage. He suggests that he would find it improbable that a professor who is a liar and who has affairs with students should be retained at any university. But, he is explicit about not asking the administration to take any employment related actions. The meeting ends with you saying that you have heard Mr. Johnson’s concerns.

¹All characters, situations, and stories described here are fictional. No reference to actual persons, events, or institutions is intended or assumed. Drs. Peter and Noreen Facione developed and refined these hypothetical cases based on the experiences gained through their many decades of service as faculty, administrators, workshop presenters, and leadership consultants to colleges and universities throughout the nation.

After the meeting the initial reaction of the EOCO is that the professor should be suspended from teaching, perhaps put on administrative leave (with pay), for the year with the idea that the professor's contract would not be renewed. Campus policy would not require that the university give any reasons for such an action. Although, the professor could bring the matter to an elected faculty grievance board if he should so wish.

2. What do you do? What facts do you think you need to discover before deciding? Whom do you consult?

You learn that Jane graduated six months ago, that she is a mature woman who returned to complete her degree after raising a family. While the copy of the professor's e-mail Mr. Johnson gave you tends to support the idea that she and the professor were intimate, the relationship was not sexual when Jane was enrolled in the professor's class. That was about the time that she would have been diagnosed with cancer and undergoing treatment. The relationship appears to have become sexual only a short time before Jane graduated.

3. In addition to the good name and financial interest of the university, who are the key stakeholders in this and what do they have the right to expect? What action can you take to best can you protect the various interests and stake-holders in this situation?

Two days later you receive a letter marked "confidential." Opening it you discover it is from the Mrs. Johnson. She says that while the professor was a much needed friend at a very difficult time of her life, she and the professor are no longer having a relationship. She says that she has told the professor that she has now decided to seek reconciliation with her husband. She is clear that she accepts her full share of the responsibility for all her past decisions and actions. She assures you that she has absolutely no intention of bringing any kind of charges against the university or the professor. She does not feel she was taken advantage of in any way. She asks that you not share her letter with anyone, particularly her husband. If you wish to discuss this with her, she says, you may contact her using her work phone number.

As far as you know, you are the only one who has received this letter. Even as you are considering what it might require of you, the phone rings. The campus EOCO is saying that he thinks he should meet with the professor to advise the professor that his poor judgment risks the good reputation of the university. He also wants to make it clear to the professor that if the woman has said that she wants no further contact, then the professor would risk charges of sexual harassment if he should not honor her wishes. The EOCO, based only on what was said at the original meeting with the husband and lawyer, is still thinking that the professor should be pulled out of the classroom and placed on administrative leave until his current contract expires.

4. Is such a meeting between the professor and the EOCO either necessarily or advisable, all things considered. Should the professor be placed on administrative leave? Should you meet with the professor? Should you acknowledge to anyone having received Mrs. Johnson's letter? To what extent should you honor her request for confidentiality? Given that the final decision to renew his for the next academic year is yours, to what extent is it reasonable to factor into your decision the information that has here come to your attention? What do you do at this point?